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May 23, 2011

Mariene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Attn: Greg Hlibock, Chief, Disability Rights Office

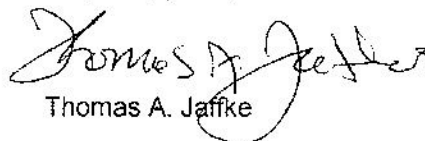
**Re: PowerVRS, LLC
Petition for Temporary Rule Waiver
CG Docket No. 10-51**

Dear Ms. Dortch:

Please find herewith, pursuant to Section 1.3 of the Commission's Rules and procedures adopted in CG Docket 10-51, PowerVRS' Petition for Temporary Waiver of the Rules adopted in the Commission's Report and Order and Further Notice of Proposed Rulemaking in the above-referenced proceeding, FCC 11-54 (rel. April 6, 2011). Concurrently a public redacted revision of the Petition for Temporary Waiver is being electronically filed and confidential treatment is requested pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. Section 0.459.

If you have any questions or require additional information concerning this filing, kindly contact the undersigned counsel for PowerVRS.

Very truly yours,


Thomas A. Jaffke

TAJ/tmb

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In The Matter Of

CG Docket No. 10-51

Structure and Practices of the Video Relay
Service Program

**POWERVRS, LLC
PETITION FOR WAIVER**

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SUMMARY

PowerVRS is a "white-label" for-profit Video Relay Service ("VRS") organization based in Flint, Michigan. In addition it provides Video Remote Interpreting ("VRI") and Text Relay Services out of its ten Communication Assistant (CA) booth call center. It also has the distinction of being one of the few deaf owned and operated VRS providers in the United States.

The impetus for the creation of PowerVRS came not long after the 2009 fallout which resulted from the fraud and abuse scandals which tarnished the VRS industry. The result was a loss of confidence from consumers regarding the integrity and sustainability of many of the providers of VRS services. The creator of PowerVRS in November of 2009 pledged to establish a video relay service company that adheres closely to the Federal Communications Commission ("FCC" or "Commission") guidelines for proper business practices as well as one which engages in outreach efforts to bring together deaf and hard of hearing communities in the United States.

PowerVRS began handling calls on April 12, 2010 and since then has processed tens of thousands of calls in a productive manner. It is also a major Michigan community supporter of deaf and hard of hearing events and has evidence of support through both financial and physical work efforts. Additionally, PowerVRS was also a part of a collective community effort to educate the public at large about the dangers of ADA incompliance and the importance of cultural sensitivity and training.

PowerVRS, since its inception, has strived to function in accordance with the requirements of FCC certification and has even paid special heed to the peripheral requirements concerning Communication Assistant ("CA") instruction and qualification, call processing, and call center integrity. Also, PowerVRS' call center is equipped with provisions such as secure access, backup power and system redundancy, direct supervision of CAs, and competency in processing 9-1-1 calls, all the while attempting to ensure that its call center is Commission-compliant and also provides privacy during all VRS transactions.

In the interest of the sustainability and continuation of the future of the company and its ability to provide such services, PowerVRS has every intention of following the Commission's final certification rules within thirty (30) days after they become effective. In order to achieve this objective, PowerVRS respectfully requests a temporary waiver in accordance with the "particular facts make strict compliance inconsistent with the public interest" stipulation due to the fact that it currently uses UR Relay platform for billing purposes but is in the process of purchasing or leasing a new platform in the coming months in order to satisfy FCC requirements. Its stellar track record shows that it deserves such consideration from the Commission.

PETITION FOR WAIVER

PowerVRS, through its legal representation and pursuant to Rule 1.3 of the Commission rules, respectfully requests a temporary waiver of the requirements of Section 64.604(c)(5)(iii)(F) of the Commission's rules as indicated in its April 6, 2011 Report and Order. For the reasons delineated below, it is in the public interest that PowerVRS be granted this temporary waiver.

I. Discussion

PowerVRS is a for-profit Video Relay Service ("VRS") organization based in Flint, Michigan. It also provides Video Remote Interpreting ("VRI") and Text Relay Services. It also has the distinction of being one of the few true Deaf-owned/-operated VRS providers in the United States.

PowerVRS has prided itself as being able to set CA and call center standards in accordance with the Commission's specifications. All of its CAs meet state and national interpreting certification requirements as well as being extensively trained in professional etiquette and procedures regarding certain situations that may arise during calls. A Vice President of Call Center Operations with long experience as a CA is tasked with monitoring the call center. Additional duties of this individual include ensuring a continuing sequence of training opportunities for the CAs as well as having the ability to provide immediate assistance when required.

It should also be noted that PowerVRS has addressed matters relating to call processing and average speed per call in line with the requirements of the Commission's specifications.

The fact that PowerVRS is a deaf-owned business helps to insure that whatever improvements are made in delivery of services has the effect of translating into a better VRS service for the members of the Executive team, 75% of whom are deaf. This has provided incentives for the Management team in providing top-rated VRS services as well as being a continuing supporter of the deaf and hard of hearing communities.

PowerVRS has developed an application (PowerXpress) for use with iPhone4, iPod Touch (4th generation), and iPad2 mobile devices. This is evidence of a continuing commitment in finding ways to enhance the delivery of services as well as to move ever closer to the "functional equivalency" that is

desired by the Commission supports.

PowerVRS' business model is dependent upon treating every customer with respect and professionalism as well as attempting to maintain its role as a vital part of community development and education effort. Currently, there are ten (10) CA cubicles in its call center for use for delivery of VRS and VRI services. A contract agreement with other VRS providers was necessitated to provide for overflow calls as well as providing a technical platform and billing maintenance method. PowerVRS is fully cognizant that when the commission's rules become effective this particular infrastructure may of necessity be revised to reflect the requirements of the rules. It is the intention of PowerVRS to maintain a business structure that would comply with any audit performed by the Commission and further which operational structure would continue to reveal the intent of the company to adhere to the spirit and integrity of the Commission-regulated rules.

II. Request for Waiver

The Commission stated in its April 6th Report and Order that it may disregard one of its requirements when it is proved that compliance would be "inconsistent with public interest" if said rule was enforced. Currently PowerVRS is a sub-brand utilizing the services of UR Relay for billing. PowerVRS is in the process of acquiring its own platform which will, via purchase or lease, permit it to be in compliance. PowerVRS is acknowledged in the State of Michigan as providing continuing support for the deaf and hard of hearing communities through both financial and physical means. PowerVRS has hosted fundraising efforts to benefit a child stricken with brain cancer and a female athlete striving to participate in the 2011 Winter Deaflympics in Slovakia. These are only two (2) of a lengthy series of examples of support for the deaf and hard of hearing community which has been provided by PowerVRS. The company, additionally, despite the bleak economic outlook, especially as it has affected the State of Michigan and the Flint area in particular, strives to provide greater employment opportunities for qualified and talented deaf, hard of hearing, and hearing individuals. It is a small business attempting to survive and thrive in extremely difficult economic circumstances. It has also attempted to provide the latest in technological innovations for VRS and VRI services as soon as it has the capacity to uphold the "functional equivalency" standard.

PowerVRS has attempted to comply with the Commission's principles for a properly-run

business, and in asking for a Waiver it is not the intention of PowerVRS to discredit the Commission's efforts to reduce or stop incidences of VRS fraud and abuse. Rather the company firmly agrees with all of the other conditions set forth in the Commission's April 6th Report and Order with regard to the following:

The Commission:

- a. Requires that VRS be offered to the public only in the name of the eligible provider seeking compensation from the Fund, and when sub-brands are used, that these identify such eligible provider;
- b. Requires that calls to any brand or sub-brand of VRS be routed through a single URL address for that brand or sub-brand; and
- c. Prohibits the third party subcontractor from holding itself out to the public as a VRS provider; and require such contracts to be in writing and made available to the Commission or TRS Fund administrator upon request.

Therefore, PowerVRS respectfully requests a temporary waiver and states that it will comply with the Commission's obligated rules and will acquire a VRS certification within thirty (30) days of the rules becoming effective.

III. Additional Action by PowerVRS

A. Plan to Comply with the Non-Certification Requirements of the Commission

1. Technology

- a. PowerVRS intends to purchase equipment for technical platforms. Options include but are not limited to Mirial, AT&T, and Aupix. These will allow for call routing, call distribution, mapping, and monitoring of calls within its call center. Time frame is within ninety (90) days of due date.

2. Staffing

- a. PowerVRS will extend its staffing hours to accommodate consumer demands.
- b. PowerVRS will contract with other eligible providers to ensure 24-hour, uninterrupted service within ninety (90) days of due date.

3. Additional Information to Support Request of Waiver (found in Attachments section)

- a. A copy of its call center lease
- b. A list of individuals that hold a ten (10) percent or greater equity interest in PowerVRS
- c. A list of PowerVRS' full-time and part-time employees
- d. Proofs of purchase or license agreements for use of equipment and technologies that PowerVRS uses

- e. Copies of employment agreements for PowerVRS' executives and CAs
- f. A list of financing arrangements for the provision of VRS, including documentation for financing of equipment, inventory, and other property.

B. Plan to File for VRS Certification

As previously stated, PowerVRS is committed to comply with the latest Commission rules concerning certification requirements and will ask for a VRS certification within thirty (30) days after the said rules are in effect.

C. Conclusion

PowerVRS has since its inception functioned within and adhered to the requirements of the Commission despite its current "white label" status. The Company desires to be recognized by the Commission as a legitimate VRS provider and submits that it would be in the public interest to grant a temporary waiver to allow it to continue to provide services to the deaf and hard of hearing communities in areas in which it serves while it seeks to receive certification which will allow it to directly bill. As the Commission has stated that it may disregard one of its rules when it is proved that adherence would be "inconsistent with the public interest" if it was enforced, PowerVRS respectfully requests a temporary waiver in order to allow it to fully comply with the conditions stated in the Report and Order.

Sincerely,



Patrick W. Reece
PowerVRS, President & Owner

ADDENDUM

In accordance with the Report and Order of CG Docket 10-51, Section 62 and Section 63, the following information is provided as exhibits hereto:

1. A copy of each deed or lease for each call center the applicant currently owns or plan to acquire;
2. A list of individuals or entities that hold at least a 10% equity interest in the applicant, have the power to vote 10% or more of the securities of the applicant, or exercise de jure or de facto control over the applicant; a description of the applicant's organizational structure and the names of its executives, officers, partners and members of its board of directors;
3. A list of the applicant's full-time and part-time employees;
4. Proofs of purchase or license agreements for the use of equipment and technology that the applicant currently uses or intends to use for its call center functions, including but not limited to, call distribution, routing, call setup, mapping, call features, billing for compensation from the fund and user registration (this information contained in Exhibit 1 above);
5. Copies of employment agreements for the provider's CAs; and
6. A list of financing arrangements pertaining to the provision of VRS, including documentation for financing of equipment, inventory, and other property.